

Appl. No. 10/707,930
Amdt. dated September 18, 2007
Reply to Office Action of June 22, 2007

AMENDMENTS TO THE DRAWINGS:

The attached sheet of drawings includes a change to FIG. 1. This sheet, which includes FIGS. 1 and 2, replaces the original sheet including FIGS. 1 and 2. In FIG. 1, previously omitted reference number 82 has been added.

Attachment: One (1) Replacement Sheet
One (1) Annotated Sheet Showing Changes

REMARKS/ARGUMENTS:

Reconsideration of the present application is respectfully requested. Claims 1 and 22 have been amended, so that claims 1-36 are presently pending. Claims 1 and 22 are independent.

In the specification, amendments have been made to further recite aspects of the present invention. In particular, the amended specification discusses how the main portion 20 and overhanging portion 24 of the receptacle 12 are defined by the sliding-ring 16 when the receptacle 12 is donned (see FIG. 1) and how the portions 20,24 cooperatively present a lowermost constricted margin 82 of the receptacle 12. Applicant respectfully submits that no new matter is being introduced as a result of these amendments. Specifically, the sliding-ring 16 and portions 20,24 are all previously described in the written description and drawings. The lowermost constricted margin 82, although newly recited as an *explicit* feature in the written description, is also previously disclosed in the specification. "By disclosing in a patent application a device that inherently performs a function or has a property, operates according to a theory or has an advantage, a patent application necessarily discloses that function, theory or advantage, even though it says nothing explicit concerning it." (M.P.E.P. § 2163.07(a)). When the shrinker 10 is donned by the user as shown in original FIG. 1, the receptacle 12 necessarily presents a lowermost margin, which is adjacent the distal end 22 of the limb in the illustrated embodiment. As shown in FIG. 1, the sliding-ring 16 cooperates with the receptacle 12 to constrict the margin because the disclosed receptacle 12 extends through the constrictive ring 16. Therefore, the lowermost constricted margin 82 is an inherent feature of the receptacle 12. Consequently, Applicant submits that the recitation of the

lowermost constricted margin 82 in the specification is fully supported by the original disclosure and that the amended specification as a whole includes no new matter.

Turning to the drawings, FIG. 1 has been amended herein to include reference number "82" along with a lead line pointing adjacent to the distal end 22. This amendment corresponds to the recitation of the lowermost constricted margin 82 in the amended specification. Applicant submits that no matter is being introduced as a result of this amendment to the drawings.

In the Office Action dated June 22, 2007, claims 1-7 and 14 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,138,156 to Crowell et al. (the "Crowell et al. '156 patent"). Claims 8-13 and 15-36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Crowell et al. '156 patent in view of U.S. Patent No. 6,158,253 to Svoboda et al. (the "Svoboda et al. '253 patent") and U.S. Patent No. 4,840,635 to Smith et al. (the "Smith et al. '635 patent"). However, Applicant respectfully submits that none of the prior art references of record, when considered singly or in combination, show or suggest the use of the structure recited in the claims.

Turning to the claims, independent claim 1 recites an above knee shrinker for applying therapeutic compression to a wearer's leg residual limb. The above knee shrinker broadly includes a waist belt, a tubular fabric receptacle, and a constricting element. The waist belt is dimensioned for snugly receiving the waist of the wearer. The tubular fabric receptacle is dimensioned and configured to be worn on the residual limb and applies a compressive force to the residual limb when the shrinker is donned. The receptacle presents top and bottom ends and is open

adjacent each of the ends so that the residual limb can be inserted into the receptacle adjacent the top end. The receptacle is coupled to the waist belt adjacent the top end so that snug securement of the waist belt about the wearer's waist restricts vertical displacement of the receptacle along the residual limb when the shrinker is donned. The receptacle is dimensioned so as to be longer than the residual limb. The receptacle includes a U-shaped edge projecting from the top end so as to present a U-shaped perineal opening, with the perineal opening being adjacent the torso end of the residual limb when the shrinker is donned. The U-shaped edge includes a pair of spaced apart upright sections extending from the top end and a bottom section that is spaced from the top end and interconnects the upright sections. The constricting element is operable to constrict the receptacle so as to facilitate doubling over of the receptacle. The constricting element receives the receptacle to define a main tubular portion and a doubled over tubular portion that cooperatively present a lowermost constricted margin of the receptacle generally at the constricting element, with the constricting element engaging a distal end of the residual limb when the shrinker is donned to restrict migration of the receptacle up the residual limb. The doubled over tubular portion covers at least part of the main tubular portion, wherein the bottom end of the receptacle is spaced between the top end of the receptacle and the lowermost constricted margin. The constricting element is vertically moveable along the receptacle to adjust a length of the doubled over portion of the receptacle.

The structure recited in independent claim 1 enables an above knee shrinker with several advantages. For example, the inventive shrinker includes a tubular receptacle that provides an adjustable snug fit about the residual limb while restricting the receptacle from migrating up the

residual limb. More specifically, a constricting element of the shrinker receives and is moveable relative to the receptacle to define a main receptacle portion and a doubled over receptacle portion, with the doubled over portion being adjustable in length. Consequently, the shrinker is configured to snugly fit different sizes of residual limbs and restrict movement of the donned receptacle by shifting the constricting element relative to the receptacle and doubling over the receptacle, without the need for other shrinker adjustments.

Independent claim 22 recites an above knee shrinker for applying therapeutic compression to a wearer's leg residual limb. The above knee shrinker broadly includes a waist belt, a tubular fabric receptacle, and a constricting element. The waist belt is dimensioned for snugly receiving the waist of the wearer when the shrinker is donned. The tubular fabric receptacle is dimensioned and configured to be worn on the residual limb and apply a compressive force to the residual limb when the shrinker is donned. The receptacle presents top and bottom ends and is open adjacent each of the ends so that the residual limb can be inserted into the receptacle adjacent the top end. The receptacle is coupled to the waist belt adjacent the top end so that snug securement of the waist belt about the wearer's waist restricts vertical displacement of the receptacle along the residual limb when the shrinker is donned. The receptacle is dimensioned so as to be longer than the residual limb. The receptacle is knitted at least principally of core-spun yarn. The receptacle includes laid in elastic. The constricting element is operable to constrict the receptacle so as to facilitate doubling over of the receptacle. The constricting element receives the receptacle to define a main tubular portion and a doubled over tubular portion that cooperatively present a lowermost constricted margin

of the receptacle generally at the constricting element, with the constricting element engaging a distal end of the residual limb when the shrinker is donned to restrict migration of the receptacle up the residual limb. The doubled over tubular portion covers at least part of the main tubular portion, wherein the bottom end of the receptacle is spaced between the top end of the receptacle and the lowermost constricted margin. The constricting element is vertically moveable along the receptacle to adjust a length of the doubled over portion of the receptacle. The structure recited in independent claim 22 enables an above knee shrinker with advantages similar to those enabled by the structure recited in independent claim 1.

Turning to the prior art references, the Crowell et al. '156 patent discloses a stump shrinker including a sock member 11, a waist encircling belt 13 for supporting an upper end of sock member 11, and a draw loop 14 that closes a lower end of sock member 11. The user places the shrinker over the stump and tightens the loop 14 about the stump end. The loop 14 is drawn upwardly against the stump by also adjusting the length of straps 23,24,25.

The Crowell et al. '156 patent fails to show or suggest the structure recited in independent claims 1 and 22. Specifically, the Crowell et al. '156 patent fails to show or suggest a constricting element that receives a receptacle of the shrinker to define main and doubled over tubular shrinker portions that cooperatively present a lowermost constricted margin of the receptacle generally at the constricting element, wherein the constricting element engages a distal end of the residual limb when the shrinker is donned, and wherein the doubled over portion is positioned with a bottom end of the receptacle being spaced between the top end of the receptacle and the lowermost

constricted margin. Instead, the Crowell et al. '156 patent discloses the lowermost end of sock member 11 being enclosed by the loop 14 to engage the stump end. The loop 14 is assertedly capable of being moveable along the sock member 11 to present an adjustable-length doubled over portion. However, the disclosed loop 14 is *positioned at the lower end* of sock member 11 to thereby enclose the lower end. Positioning the loop 14 and the lower end in engagement with the stump end as shown in FIG. 2 of the Crowell et al. '156 patent prevents the sock member 11 from being doubled over so that the lower end is *spaced between* the top end of the sock member 11 and a lowermost margin formed by the sock member 11. In other words, the loop 14 encloses the lower end to form the lowermost margin of the sock member 11 and, consequently, cannot also be spaced from the lowermost margin by doubling over the sock member 11.

The Svoboda et al. '253 patent and the Smith et al. '635 patent are both cited for their asserted disclosure of elastic fabric. However, the Svoboda et al. '253 patent and the Smith et al. '635 patent both fail to show or suggest the structure recited in independent claims 1 and 22. Specifically, the Svoboda et al. '253 patent and the Smith et al. '635 patent simply fail to disclose a shrinker having a receptacle and a constricting element. Even if the Svoboda et al. '253 patent and the Smith et al. '635 patent are combined with the Crowell et al. '156 patent, such a hypothetical combination still fails to arrive at the claimed invention.

In view of the foregoing, Applicant respectfully submits that independent claims 1 and 22 recite features of the invention not shown or suggested by the prior art references of record. Furthermore, the dependent claims depend either directly or indirectly from claims 1 and 22 and

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recite additional features of the invention not shown or suggested by the prior art references of record.

Therefore, the present application should now be in condition for allowance and such allowance is respectfully requested. Should the Examiner have any questions, please contact the undersigned at (800) 445-3460.

The Commissioner is hereby authorized to charge any fees which may be associated with this communication to the undersigned's Deposit Account No. 19-0522.

Respectfully submitted,

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By



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ATTORNEYS FOR APPLICANT(S)

Attachments